From: Kengo Hashimoto
To: Microsoft ATR
Date: 12/14/01 7:31pm
Subject: Comment from a non-MS user

To all whom it may concern:

I, as do millions of other citizens across the world, have an interest in sterner remedies, be it conduct or structural, in the United States vs. Microsoft Corporation case.

As the largest publisher of operating software and business applications software in the world, Microsoft is at a unique position to create an illegal monopoly in more ways than one. Some of these have been shown in court, and Microsoft has been found to be guilty of illegal monopolistic practices.

What concerns me about the current conduct of Microsoft is as follows: First, there is virtually no way for a consumer or a business to purchase a PC from a large vendor, such as Dell, without having some version of a Microsoft operating software pre-loaded on it. Second, Microsoft is notorious for creating non-documented application programming interfaces for use by Microsoft programmers, but not by their competitors in the applications field. Finally, as the largest producer of operating environments and Internet software, they alone can create non-standard extensions upon the languages spoken between computers, called protocol, potentially locking out competitors.

It is vitally important for a consumer or a business to be able to purchase a computer from a large OEM without Windows preloaded on it. Despite what Microsoft may claim, computers without Windows is not a hotbed of piracy. In fact, Microsoft themselves have taken steps with their newest operating environment, Windows XP, to prevent such casual copying. Therefore, in order to level the competitive playing field for different operating environments--such as BeOS, a potential PC version of MacOS X, Linux, Sun Solaris, to name a few--these machines should be made available without any operating environments, with separate prices for machines. For businesses, the situation is slightly different. Most large businesses purchase a business-wide license for operating environments from Microsoft. If these machines are not made available without an included Windows license, then these businesses will in effect end up paying twice for the same product. Of course, having two price lists, one for computers with, and the other for computers without, will have secondary beneficial effect of exposing what the various OEM prices for Windows are, and will prevent Microsoft from "punishing" OEM's who sell other operating environments (as happened with IBM's PC division in the early 1990's, when they chose to offer the IBM OS/2 operating environment as well as that of Microsoft's).

Of course, changes in the way Microsoft handles their Windows applications programming interface (API) needs to change as well. It is often rumoured, and once proven, that Microsoft maintains a list of API methods that are not available outside of Microsoft. What this allows Microsoft to do is to create two methods for receiving operating environment support for such common tasks as opening a file, differing in execution speed but otherwise identical in function. As virtually everything a program or an application can do, it must do so via calling the API methods, a Microsoft application, with the faster of the two method calls available to it, will have a distinct and unfair advantage over the non-Microsoft competition. Obviously, these method calls are not limited to opening files, and can include, but not be limited to: launching new programs, opening a new network (including Internet) connection and reading in and writing out to it, opening a file and reading from and writing to it, displaying a graphics, and playing a sound.

As for Internet standards of protocols, there already exists several independant bodies for creation and maintenance of protocols. These include, but are not limited to, the World Wide Web Consortium, the Internet Engineering Task Force, ANSI, and ISO. Unfortunately, with Microsoft's track record of building their own, proprietary protocols that compete with the open protocols created by these independant committees, Microsoft has often closed the doors on competing operating environments on different platforms. For example, in the translation of human-readable domain names (such as www.sun.com) to machine-readable numeric representation (such as 192.168.1.2), performed by nameservers, Microsoft has already created a non-standard extention to their own system, such that a non-Windows nameserver takes a performance hit against a Windows-based nameserver when the client is also running Windows. Similarly, Microsoft has created their own then-proprietary and closed extention to the Kerberos network authentication protocol with the introduction of Windows 2000. Because of their immense size, allowing this conduct can and will stifle innovation by their competitors, which is exactly what Microsoft has been found guilty of.

I would like to believe that Microsoft will not continue these behaviours, now that the courts have deemed them illegal. However, in the case of criminal behaviour by an individual, we as a society do not, after finding such a person guilty of the deed, tell them merely to stop doing that deed, and let them go. Instead, oftentimes, we incarcerate that individual. Similarly, we must place strict penalties upon Microsoft, as they have broken a law, and must be punished.

Sincerely,
Kengo Hashimoto

I request that my contact information be kept private, but for the purposes of full discloser it is as follows:

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